

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

SAMMY BEETS AND MELISSA BEETS, )  
on behalf of T.B., a minor child, et al., )  
Plaintiffs, )  
v. ) Case No. 09-CV-546-GKF-PJC  
BLUE TEE CORP., et al., )  
Defendants. )

**JOINT MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 41(a)(2)**

COME NOW Plaintiffs and Defendants Blue Tee Corp. (“Blue Tee”) and Gold Fields Mining, LLC (“Gold Fields”), through their respective undersigned counsel, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, and move for dismissal of Plaintiffs’ claims against Defendants Blue Tee and Gold Fields and the remaining Third-Party Claims of Defendants/Third-Party Plaintiffs Blue Tee and Gold Fields on terms set forth below. In support of this motion, Plaintiffs and Defendants Blue Tee and Gold Fields state as follows:

1. On November 11, 2011, Plaintiffs and Defendants Blue Tee and Gold Fields entered into an Agreement on Settlement Terms setting forth a procedure for resolving all claims between Plaintiffs and Defendants Blue Tee and Gold Fields.

2. On November 16, 2011, the Court entered an Order staying Plaintiffs' claims against Defendants Blue Tee and Gold Fields pending consummation of the settlement between them. (Dkt. 231).

3. Pursuant to the Agreement on Settlement Terms, Defendants Blue Tee and Gold Fields have advised Plaintiffs' counsel that they are prepared to proceed with the settlement.

4. Prior to the filing of this Joint Motion to Dismiss Pursuant to Fed. R. Civ. P. 41(a)(2), Defendants/Third Party Plaintiffs Blue Tee and Gold Fields each filed a Notice of Voluntary Dismissal Without Prejudice of Certain Third-Party Defendants Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) (Dkt. Nos. 238 and 239) with regard to the third-party claims they had asserted against third-party defendants who never filed a responsive pleading in this case.

5. Following the filing of the Notice of Voluntary Dismissal referenced in the preceding paragraph, Defendants/Third-Party Plaintiffs Blue Tee and Gold Fields still have Third-Party Claims pending against the following Third-Party Defendants:

- a. Oklahoma Flint, LLP (Blue Tee)
- b. Flintrock Products, LLP (Blue Tee)
- c. RK Flint, LLC (Blue Tee)
- d. Joseph E. Mountford (Blue Tee)
- e. Catherine Jean Mountford (Blue Tee and Gold Fields)

6. Plaintiffs and Defendants Blue Tee and Gold Fields now seek the entry of an Order dismissing with prejudice all claims asserted by Plaintiffs against Defendants Blue Tee and Gold Fields. In addition, Defendants/Third Party Plaintiffs Blue Tee and Gold Fields seek the entry of an Order dismissing without prejudice Third-Party Complaints against all remaining Third-Party Defendants. A proposed Order effectuating these dismissals is being emailed to the Court concurrently herewith.

7. The attorneys for the Third-Party Defendants identified in paragraph 5, *supra*, have each advised that they do not oppose the dismissal without prejudice of the Third-Party Claims of Defendants/Third-Party Plaintiffs Blue Tee and Gold Fields against them.

WHEREFORE Plaintiffs and Defendants Blue Tee Corp. and Gold Fields Mining, LLC respectfully request that the Court enter an Order of dismissal as outlined above.

Dated: March 9, 2012

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**CERTIFICATE OF SERVICE**

I certify that on March 9, 2012, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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